



PATENT  
Docket No. 223002006313  
Client Ref. No. 0063.021

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Assistant Commissioner for Patents, Washington, D.C. 20231.

Date

9/11/98

Niki Cox

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Houghton, et al.

Serial No.: 08/441,355

Filing Date: May 15, 1995

For: HCV IMMUNOGENS AND  
IMMUNOGENIC COMPOSITIONS

Examiner: M. Zeman

Group Art Unit: 1815

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9-17-98

SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97

Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.129(a), Applicants have requested the finality of the Office Action for the above-referenced application to be removed. As such, Applicants submit that the Supplemental Information Disclosure Statement is submitted:

- ☒ After receipt of a first Office Action.
- ☒ A fee is required. A check for \$3090.00 is being submitted (\$240.00 of which is for this fee).

Applicants submit that The Examiner is requested to make these documents of record in the application.

In addition to the Information Disclosure Statement Under 37 C.F.R. § 1.56, 1.97 and 1.98 mailed to the PTO on April 11, 1997, the documents listed below may also be material to

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the examination of the above-identified application. Copies of the documents were previously submitted in a Supplemental Information Disclosure Statement dated November 27, 1996 directed to the related application Serial No. 08/306,472 and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609 (A)(2). The Examiner is requested to make these documents of record in the application. The documents include:

I.A. 163      Coursaget et al., US Patent 4,464,474 (1984).

This document was cited during prosecution of European Patent No. 0318216, Philippine Patent Application No. 37833 and U.K. Patent No. 2,212,511 each of which claim priority from US Application Nos. 07/122,174, 07/139,886, 07/161,072, 07/191,263, 07/263,584 and 07/271,450.

I.A. 164      Tabor et al., US Patent 4,395,395 (1983).

This document was cited during prosecution of European Patent No. 0318216, Philippine Patent Application No. 37833 and U.K. Patent No. 2,212,511 each of which claim priority from US Application Nos. 07/122,174, 07/139,886, 07/161,072, 07/191,263, 07/263,584 and 07/271,450.

I.A. 165      Ono et al., European Patent No. 0190972.

This document was cited during prosecution of Philippine Patent Application No. 40217 and Canadian Patent No. 2,012,482 each of which claim priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.

I.A. 166      Petrovskis et al., "Use of  $\lambda$ gt11 To Isolate Genes for Two Pseudorabies Virus Glycoproteins with Homology to Herpes Simplex Virus and Varicella-Zoster Virus Glycoproteins," J. of Immunology **60(1)**:185-193 (1986).

This document was cited during litigation of Australian Patent No. 624,105 which claims priority from US Application Nos. 07/122,174, 07/139,886, 07/161,072, 07/191,263, 07/263,584 and 07/271,450.

I.A. 167      Purcell, "Blood-Borne Non-A, Non-B Hepatitis," Update **2:2** (1988).

This document was cited during prosecution of European Patent No. 0318216 and U.K. Patent No. 2,212,511 each of which claim priority from US Application Nos. 07/122,174, 07/139,886, 07/161,072, 07/191,263, 07/263,584 and 07/271,450.

- I.A. 168      Rice et al., "Molecular Cloning of Flavivirus Genomes for Comparative Analysis and Expression," Modern Trends in Virology, pp. 83-97 (1988).

This document was cited during litigation of Australian Patent No. 624,105 which claims priority from US Application Nos. 07/122,174, 07/139,886, 07/161,072, 07/191,263, 07/263,584 and 07/271,450.

- I.A. 169      Geysen et al., "Strategies for epitope analysis using peptide synthesis," J. of Immunological Methods **102**:259-274 (1987).

This document was cited during opposition of Taiwanese Patent Application No. 79102799 which claims priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.

- I.A. 170      Maynard et al., "Transmission of Non-A, Non-B Hepatitis by Blood Products and Plasma Derivatives," Non-A, Non-B Hepatitis Chapter 5, pp. 71-95 (1981).

This document was cited during prosecution of Philippine Patent Application No. 40217 and Canadian Patent No. 2,012,482 each of which claim priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.

- I.A. 171      Tohmatsu et al., "AN6520 Ag: An Antigen Purified from Liver With Non-A, Non-B Hepatitis," J. of Medical Virology **15**:357-371 (1985).

This document was cited during prosecution of Philippine Patent Application No. 40217 and Canadian Patent No. 2,012,482 each of which claim priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.

- I.A. 172      Affidavit of H. Mario Geysen, Ph.D.

This document was filed by Applicants during opposition of Taiwanese Patent Application No. 79102799 which claims priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.

- I.A. 173      Affidavit of Michael S. Urdea, Ph.D.

This document was filed by Applicants during opposition of Taiwanese Patent Application No. 79102799 which claims priority from US Application Nos. 07/325,338, 07/341,334, 07/353,896, and 07/355,002.

I.A. 174 Daniel W. Bradley v Chiron Corporation, Civil Action No. 94-4342, Order Granting Defendant's Motion to Strike Allegations from and to Dismiss Second Amended Complaint on July 15, 1996.

I.A. 175 Daniel W. Bradley v Chiron Corporation, Civil Action No. 94-4342, Judgment filed on July 25, 1996.

I.A. 176 Murex Opposition Bundle, which includes:

In the Matter of Australian Patent Application No. 666576 (47506/93) in the name of Chiron Corporation and Opposition thereto by Murex Diagnostics Australia PTY Limited, Murex Statement of Grounds and Particulars.

In the Matter of Australian Patent Application No. 666767 (47505/93) in the name of Chiron Corporation and Opposition thereto by Murex Diagnostics Australia PTY Limited, Murex Statement of Grounds and Particulars.

In the Matter of Australian Patent Application No. 666766 (47504/93) in the name of Chiron Corporation and Opposition thereto by Murex Diagnostics Australia PTY Limited, Murex Statement of Grounds and Particulars.

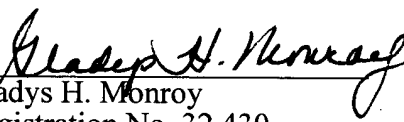
Each of these three oppositions has now been withdrawn.

This Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that a search has been made, that additional documents material to the examination of this application does not exist, or that these citations constitute prior art under U.S.C. § 102.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 223002006313. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 11, 1998

Respectfully submitted,

By:   
Gladys H. Monroy  
Registration No. 32,430

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (415) 813-5711  
Facsimile: (415) 494-0792

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PTO/SB/08 (2-92)

Sheet 1 of 1

Form PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION  (Use several sheets if necessary)	Docket Number 223002006313	Application Number 08/441,355
	Applicant  Houghton, et al.	
	Filing Date May 15, 1995	Group Art Unit 1815

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	I.A.163	08/07/84	4,464,474	Coursaget et al.			
	I.A.164	07/26/83	4,395,395	Tabor et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	I.A.165		0190972 A2	Europe			

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	I.A.166	Petrovskis et al., "Use of $\lambda$ gt11 To Isolate Genes for Two Pseudorabies Virus Glycoproteins with Homology to Herpes Simplex Virus and Varicella-Zoster Virus Glycoproteins," <u>J. of Immunology</u> <b>60</b> (1):185-193 (1986).
	I.A.167	Purcell, "Blood-Borne Non-A, Non-B Hepatitis," <u>Update</u> <b>2:2</b> (1988).
	I.A.168	Rice et al., "Molecular Cloning of Flavivirus Genomes for Comparative Analysis and Expression," <u>Modern Trends in Virology</u> , pp.83-97 (1988).
	I.A.169	Geysen et al., "Strategies for epitope analysis using peptide synthesis," <u>J. of Immunological Methods</u> <b>102</b> :259-274 (1987).
	I.A.170	Maynard et al., "Transmission of Non-A, Non-B Hepatitis by Blood Products and Plasma Derivatives," <u>Non-A, Non-B Hepatitis</u> Chapter 5, pp.71-95 (1981).
	I.A.171	Tohmatu et al., "AN6520 Ag: An Antigen Purified from Liver With Non-A, Non-B Hepatitis," <u>J. of Medical Virology</u> <b>15</b> :357-371 (1985).
	I.A.172	Affidavit of H. Mario Geysen, Ph.D.
	I.A.173	Affidavit of Michael S. Urdea, Ph.D.
	I.A.174	Daniel W. Bradley v Chiron Corporation, Civil Action No. 94-4342, Order Granting Defendant's Motion to Strike Allegations from and to Dismiss Second Amended Complaint on July 15, 1996.
	I.A.175	Daniel W. Bradley v Chiron Corporation, Civil Action No. 94-4342, Judgment on July 25, 1996.
	I.A.176	Murex Opposition Bundle.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.